

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

Chapter 11

Case No 22-10943 (mew)

Voyager Digital Holdings, INC,et al,

Debtors.

Amended Motion for Subpoena in US Bankruptcy Court

To the Honorable Judge of the United States Bankruptcy Court,

The undersigned respectfully moves this Court for an order requiring the issuance of a subpoena to compel the full disclosure of financial activity between the executives of Voyager Digital, debtors, and creditors.

The need for complete and accurate financial information in a bankruptcy case is of utmost importance. The bankruptcy court must have a clear and accurate picture of a debtor's financial affairs in order to make informed decisions that protect the rights of all parties in interest. In this case, there is a need to determine the full extent of the financial relationship between the executives of [Company Name] and its creditors, in order to determine the feasibility of a reorganization plan or to assess the likelihood of a successful liquidation.

The use of subpoenas in bankruptcy proceedings is consistent with the principles of fairness and transparency enshrined in the United States Constitution. The Supreme Court has held that "the right to an impartial adjudication of one's debts is a basic aspect of due process

under the Fifth Amendment." *United States v. Behrens*, 375 U.S. 162, 165 (1963). By requiring the full disclosure of financial activity between the executives of [Company Name] and its creditors, the court can ensure that the debtor's financial information is accurate and that the rights of all parties in interest are protected.

For these reasons, the undersigned respectfully requests that the Court enter an order requiring the issuance of a subpoena to compel the full disclosure of financial activity between the executives of Voyager Digital and its creditors. In addition, the undersigned requests that the Court order the production of a true and audited balance sheet of all parties involved in the bankruptcy case, in order to provide a comprehensive picture of the debtor's financial affairs and to ensure the proper handling of funds in the bankruptcy court.

Pursuant to the United States Bankruptcy Code, 11 U.S.C. §§ 101 et seq., the undersigned respectfully moves this Court for an order directing that an audited balance sheet be prepared and submitted in the above-captioned case since the beginning of the case until the most recent filing of monthly operating reports.

The necessity of an audited balance sheet in bankruptcy proceedings is well established under United States law. The Bankruptcy Code requires that a debtor provide accurate and complete financial information in order to ensure a fair and equitable distribution of assets to creditors. Pursuant to 11 U.S.C. § 521(f), the debtor must provide a current balance sheet as of the petition date, which must be audited if the balance sheet is required by law or the Court.

In this case, the Court has the authority to require an audited balance sheet based on the nature of the debtor's financial circumstances and the complexity of the case. An audited balance sheet provides a higher level of financial insight into the debtor's financial affairs and enables the

Court to make a more informed decision with respect to the distribution of assets.

Furthermore, the United States Constitution recognizes the importance of accurate financial information in bankruptcy proceedings. The Due Process Clause of the Fifth Amendment requires that a debtor and creditor receive a fair opportunity to be heard, which includes providing the Court with accurate financial information.

Conclusively, and for these reasons, the undersigned respectfully requests that the Court grant this Motion and direct that an audited balance sheet be prepared and submitted in the above-captioned case. Respectfully submitted,

Pro Se Creditor,

Date: 01/31/2023

/s/ Alah Shehadeh

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